

D.T.E. 03-39

Petition of Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact, for certification of its Energy Efficiency Plan for the calendar years 2003 through 2007, by the Department of Telecommunications and Energy, pursuant to G.L. c. 164, § 134(b).

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APPEARANCE: Jeffery M. Bernstein, Esq.  
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FOR: THE CAPE LIGHT COMPACT  
Petitioners

## I. INTRODUCTION AND PROCEDURAL HISTORY

On March 28, 2003, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact (“Compact”) filed with the Department of Telecommunications and Energy (“Department”) its Energy Efficiency Plan (“Plan”) covering calendar years 2003 through 2007. The Compact filed the Plan pursuant to G.L. c. 25, § 19, G.L. c. 25A, § 11G, G.L. c. 164, § 134(b), and Cape Light Compact, D.T.E. 00-47-C (2001). The Compact’s filing includes the Plan, a report on the Compact’s Plan (“Report”), the statement of Timothy Woolf, vice president of Synapse Energy Economics, Inc., in support of the Compact’s Plan (“Woolf Testimony”), and the Compact’s memorandum on procedures to certify the Plan (“Memorandum”).

The Plan includes programs and budgets for residential, low-income, and commercial and industrial customers. In its Plan, the Compact petitioned the Department to: (1) certify that the Plan is consistent with state energy conservation goals; (2) certify that the Plan meets the cost-effectiveness tests set forth in Guidelines for the Methods and Procedures for the Evaluation and Approval of Energy Efficiency Programs, D.T.E. 98-100 (1999) (“DTE Guidelines”); and (3) grant the Compact a pro-rata share of the energy efficiency funds collected pursuant to G.L. c. 25, § 19 as of July 1, 2001. The Department docketed the matter as D.T.E. 03-39.

On April 11, 2003, the Commonwealth of Massachusetts, Division of Energy Resources (“DOER”), pursuant to G.L. c. 25A, § 11G and 225 C.M.R. § 11.04, filed a report on the Plan (“DOER Report”) with the Department and the Compact. On May 19, 2003, the Department issued a Notice of Filing and Request for Comments concerning the Plan. Comments in support of the Plan were filed by the Consumer Assistance Council, Inc.,<sup>1</sup> Towns of Brewster, Bourne, Dennis, Edgartown, Harwich, Truro, West Tisbury, and Yarmouth, the Dennis-Yarmouth Regional School District, and the Martha’s Vineyard Regional High School District. No comments were filed in opposition. The Compact responded to twelve Department information requests.<sup>2</sup>

## II. STANDARD OF REVIEW

The Department must certify that the Plan is consistent with the Commonwealth’s energy conservation goals and the DTE Guidelines. G.L. c. 164, § 134(b). Section 134(b) establishes a two-pronged standard of review for the evaluation of energy plans proposed by municipalities. First, the statute establishes the threshold that a municipality be “establishing” a load aggregation program pursuant to G.L. c. 164, § 134(a) before the municipality may submit its energy plan for Department review. Second, G.L. c. 164, § 134(b) states that if the

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<sup>1</sup> The Consumer Assistance Council, Inc., is a non-profit organization working in cooperation with the Office of the Attorney General to provide consumers with information and to mediate complaints.

<sup>2</sup> On its own motion, the Department moves the Plan, the Report, the Woolf Testimony, as well as the Compact’s twelve responses to Department information requests into the evidentiary record of this proceeding. The responses to the information requests are marked as Exhibits DTE 1-1 through 1-12. In addition, the Department incorporates by reference into this proceeding the DOER Report. 220 C.M.R. § 1.10(3).

Department concludes that a municipality is establishing an aggregation program, the Department shall evaluate the municipality's energy plan to determine whether the plan is consistent with state energy conservation goals. If the Department certifies an energy plan as being consistent with these goals, the municipality may: (1) expend dollars collected through the energy efficiency charge by the distribution company serving customers in the municipality, in an amount not to exceed that contributed by retail customers within said municipality, and (2) apply to the Massachusetts Technology Park Corporation ("MTPC") for dollars collected through the renewable energy charge.<sup>3</sup> Id.

State energy conservation, or efficiency, goals have been developed by DOER, pursuant to G.L. c. 25A, § 11G, and 225 C.M.R. § 11.00. Guidelines Supporting the Massachusetts Division of Energy Resources' Energy Efficiency Oversight and Coordination Regulation 225 C.M.R. § 11.00 (September 3, 1999) ("DOER Guidelines").<sup>4</sup> The DOER Guidelines state that the energy efficiency goals "shall be used by administrators of electric ratepayer funded energy efficiency activities as the basis for developing their energy efficiency plans." DOER Guidelines at 1. The DOER Guidelines establish an overall statewide energy efficiency goal that energy efficiency activities should "protect the environment and strengthen the economy by increasing the efficiency of energy use." Id. at 2. The DOER Guidelines additionally establish two threshold goals for an energy efficiency plan, that the plan:

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<sup>3</sup> The MTPC is responsible for administering the Massachusetts Renewable Energy Trust Fund, which is funded through the renewable energy charge.

<sup>4</sup> The Department incorporates by reference into this proceeding the DOER Guidelines. 220 C.M.R. § 1.10(3)

(1) provide funding for energy efficiency services for low-income ratepayers at the levels specified in G.L. c. 25, § 19,<sup>5</sup> and (2) reduce the use of electricity cost-effectively, based on the DTE Guidelines.<sup>6</sup> Id. at 2, 9.

Finally, the DOER Guidelines establish seven priority-setting goals for an energy efficiency plan: (1) ensure that energy efficiency funds are allocated equitably among customer classes; (2) ensure that there is adequate support for capturing lost opportunities;<sup>7</sup> (3) give due emphasis to statewide and regional market transformation;<sup>8</sup> (4) utilize competitive procurement processes in the delivery of program services to the fullest extent practicable; (5) facilitate the development of a competitive market for energy efficient products and services; (6) reduce customer energy costs by balancing short- and long-run savings from energy efficiency programs; and (7) optimize cost-effectiveness. Id. at 2. Energy efficiency

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<sup>5</sup> G.L. c. 25, § 19 states that, for each distribution company, at least 20 percent of the amount expended for residential energy efficiency programs shall be spent on programs targeted at low-income residential customers; in no event shall the budget for low-income programs be less than the amount funded by a charge of \$0.00025 per kilowatt hour.

<sup>6</sup> In the DTE Guidelines, the Department established procedures to evaluate the cost-effectiveness of ratepayer-funded energy efficiency plans. The DTE Guidelines establish (1) the manner in which cost-effectiveness shall be measured, and (2) procedures to monitor and evaluate energy efficiency programs. DTE Guidelines, §§ 3, 4.

<sup>7</sup> Lost opportunity programs capture energy efficiency opportunities at the time of a naturally occurring market event, such as new construction, expansion, renovation, or replacement of failed or retired equipment. DOER Guidelines at 13.

<sup>8</sup> Market transformation is a process by which collective actions, policies and programs effect a positive, lasting change in the market for energy-efficient technologies and services. DOER Guidelines at 13.

plans must attain “a balance among the priority-setting goals, as opposed to placing emphasis on one or a few goals to the exclusion of the other.” Id. at 9.

### III. ESTABLISHING A LOAD AGGREGATION PROGRAM

#### A. The Compact’s Position

The Compact asserts that the Department need not reexamine the “establishing” issue because the Department has already made that determination in D.T.E. 00-47-C and the Compact’s load aggregation activities have progressed since that Order (Memorandum at 3).

In particular, the Compact stated that it is providing generation services to about 48,000 default customers through its Default Service Pilot Project (“Pilot Project”), initially approved by the Department in Cape Light Compact, D.T.E. 01-63 (2001) (id. at 4). The Compact presented evidence that its Pilot Project is Massachusetts’ largest load aggregation program in terms of number of customers served, and that the Pilot Project saved customers about \$2.0 million in the year 2002 (Memorandum at 4; Plan at v).

However, the Compact noted that its load aggregation program for all customers has remained inactive (Plan Tab 4, at 4). The Compact stated that this load aggregation program is not yet viable because standard offer prices remain below wholesale prices (id.). No commentors took a position on this issue.

#### B. Analysis and Findings

As stated in Section II, above, G.L. c. 164, § 134(b) requires that a municipality or group of municipalities be “establishing” a load aggregation program pursuant to

G.L. c. 164, § 134(a) before the municipality or municipalities may submit an energy plan for Department review. The Department acknowledges that a series of events took place confirming that the Compact is “establishing” a load aggregation program. First, as noted by the Compact, the Department has previously found that the Compact was “establishing” a load aggregation program. Cape Light Compact, D.T.E. 00-47-C at 19 (2001). Next, the Department has twice approved the Compact’s Default Service Pilot Projects. Cape Light Compact, D.T.E. 03-61 (2003); Cape Light Compact, D.T.E. 01-63 (2001). Finally, the Compact has presented evidence that its Pilot Project produced monetary savings to default customers. Accordingly, under the current circumstances, the Department finds that the Compact has met the requirement that it is establishing a load aggregation program. In making this finding, the Department emphasizes that, as a robust competitive market for electricity generation develops and competitive options become more widely available to customers, the Compact and other municipal aggregators that seek access to energy efficiency funds “may be required to demonstrate that their aggregation plans are ‘fully operational’ as a threshold condition for receiving approval of their energy plans.” D.T.E. 00-47-C at 19.

#### IV. CONSISTENCY WITH OVERALL STATE ENERGY EFFICIENCY GOALS

##### A. Summary of Comments

##### 1. DOER Report

DOER states that pursuant to G.L. c. 25A, § 11G, it is empowered to oversee and coordinate ratepayer-funded energy efficiency programs mandated by G.L. c. 25, § 19

(DOER Report at 1). Further, pursuant to 225 C.M.R. § 11.04, DOER notes that it is required to file a report with the Department as to the consistency of a municipal aggregator's Plan with the energy efficiency goals of the Commonwealth (*id.*). DOER states that the Compact has worked with DOER to develop the Plan, and that the Compact staff have solicited DOER's views and has been open to modifying the Plan accordingly, consistent with 225 C.M.R. § 11.04(4) (*id.* at 2). DOER finds that, based on its review of the Plan, the Plan is "consistent with the energy efficiency goals of the Commonwealth" (*id.*).

## 2. Comments on Energy Efficiency Goals

The comments received by the Department are unanimous in their support of the Compact's Plan. The commenters cite substantial benefits from the Compact's programs, including distribution of energy efficient bulbs, easy sign-up for residential home energy audits, and the Compact's systematic analysis of energy savings opportunities in municipal buildings (Consumer Assistance Council Comments at 1; Brewster Comments at 1; Edgartown Comments at 1; Harwich Comments at 1; Truro Comments at 1; West Tisbury Comments at 1). Dennis states that the Compact has worked with community school systems to relamp the schools with energy efficient lights, greatly reducing electricity consumption and cost during a time of severe financial constraints (Dennis Comments at 1; Dennis-Yarmouth Regional School District Comments at 1). Yarmouth estimates a savings of \$126,910 for the Compact's original Plan period of May through December, 2002 (Yarmouth Comments at 1). Brewster and Bourne cite annual savings due to the Compact's assistance in acquiring street lights within these communities, reducing the annualized expense for their operation (Brewster



Comments at 1; Bourne Comments at 1).

B. Promotion of Energy Efficiency

1. The Compact's Position

The Compact asserted that its Plan is consistent with the overall statewide energy efficiency goal that energy efficiency activities should protect the environment and strengthen the economy by increasing the efficiency of energy use (Plan at 58). In support of this assertion, the Compact presented evidence that implementation of its Plan will reduce annual carbon dioxide emissions by 29,000 tons; annual sulfur dioxide emissions by 27 tons, and annual nitrogen oxide emissions by 19 tons (id. at 59). In addition, the Compact presented evidence that implementation of its Plan will avoid costs of generation, transmission, and distribution (id. at 59). According to the Compact, implementation of the Plan will strengthen the economy by lowering electric bills of participants, thereby increasing disposable income for consumers and reducing operating costs for businesses (id. at 59).

2. Analysis and Findings

Based on our review of the evidence provided by the Compact, the DOER Report, and other comments, the Department finds that the Plan is consistent with the overall statewide energy efficiency goal that energy efficiency activities should protect the environment and strengthen the economy by increasing the efficiency of energy use (id. at 59; Exh. DTE 1-2).

C. Consistency with Threshold Goals

1. Cost-Effectiveness

In this section, the Department determines whether the Compact's Plan is consistent with the threshold goal to reduce the use of electricity cost-effectively, based on the DTE Guidelines. An energy efficiency program shall be deemed cost-effective if its benefits are equal to or greater than its costs, as expressed in present value terms. DTE Guidelines at § 3.5. Before implementation, each Program Administrator shall file with the Department sufficient information, including assumptions, to support the Department's determination of cost-effectiveness for all proposed energy efficiency programs. Id. at §§ 3.5, 4.2.1.<sup>9</sup>

a. The Compact's Position

The Compact estimated the pre-implementation benefit/cost ("B/C") ratio for each energy efficiency program proposed for 2003 (Plan at 14). The Compact stated that its pre-implementation B/C ratios were developed consistent with the Department's Total Resource Cost ("TRC") method (id. at 13). See DTE Guidelines at §§ 3.00 et seq. The Compact acknowledged that the threshold goal of reducing the use of electricity cost-effectively is a mandatory requirement that must be met on a pass-fail basis in order to obtain ratepayer funding (id. at 58).

With respect to its residential energy efficiency programs, the Compact estimated pre-implementation B/C ratios greater than 1.00 for all but one program (id. at 14). For that

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<sup>9</sup> Each energy efficiency program is subject to a post-implementation evaluation, addressing post-implementation estimates of energy savings, capacity savings, and other savings as well as post-implementation costs. See DTE Guidelines §§ 4.1, 4.2.2, 5.3.

program – the New Construction Demo – the Compact estimated a pre-implementation B/C ratio of 0.55 (Plan at 14; Exh. DTE 1-6).

With respect to the Low-Income Single Family Program, the Low-Income Multi-Family Program, and the Low-Income New Construction program, the Compact estimated the pre-implementation B/C ratios for these three programs (Plan at 14). Two of these programs achieved pre-implementation B/C ratios only slightly greater than 1.00: (1) the Low Income New Construction Program with a B/C ratio of 1.17; and (2) the Low Income Single Family Program with a B/C ratio of 1.18 (Plan at 14; Exhs. DTE 1-7, 1-10).

With respect to its commercial and industrial programs (“C/I”), the Compact estimated pre-implementation B/C ratios of 1.99 or greater for all such programs (Plan at 14).

b. Analysis and Findings

The record indicates that the Plan’s energy efficiency programs achieve pre-implementation B/C ratios of at least 1.17 with one exception. The New Construction Demo has a pre-implementation B/C ratio of 0.55, which clearly fails to meet the Department’s cost-effectiveness test as specified in the DTE Guidelines. In addition, the Department finds that the New Construction Demo Program fails to meet the threshold energy efficiency goal to reduce the use of electricity cost-effectively. The goal of cost-effectively reducing energy use is a mandatory requirement that must be met on a pass-fail basis, in order to obtain ratepayer funding to implement energy efficiency programs. G.L. c. 25, § 19, DTE Guidelines at § 3.5, DOER Guidelines at 2, 8-9. Accordingly, the Department rejects the New Construction Demo Program.

The Department has reviewed the method by which the Compact determined the benefits and costs for its programs, and finds that the benefits and costs were determined consistent with Department criteria for establishing program cost-effectiveness.

DTE Guidelines at §§ 3-4. Accordingly, the Department finds that the remaining energy efficiency programs in the 2003 Plan are estimated to be cost-effective.

The Department notes the pre-implementation nature of these B/C ratios.

DTE Guidelines at § 4.2.1. That is, the benefits and costs of the remaining programs in the Plan are based on projections or forecasts of what benefits and costs may be expected. At this pre-implementation phase, the Department is concerned with energy efficiency programs with expected B/C ratios only nominally above 1.0, such as the Low Income New Construction Program with a B/C ratio of 1.17, and the Low Income Single Family Program with a B/C ratio of 1.18. The Department has previously noted its concern regarding programs with costs that might be greater than expected benefits. Massachusetts Electric Company, D.T.E. 00-65, at 5 (2003) (directing MECo to improve cost-effectiveness of Residential Conservation Services program because B/C ratio is less than 1.0). While the remaining programs in the Plan meet the DTE Guidelines' criteria for cost-effectiveness in this pre-implementation phase, given the low B/C ratios exhibited by some of the Company's programs, there is some risk that the benefits might not exceed the costs when monitored and evaluated in the post-implementation phase. See DTE Guidelines at §§ 3.5, 4.2.2.<sup>10</sup> Higher

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<sup>10</sup> The Department notes that low B/C ratio programs warrant close monitoring and timely adjustment by the program administrator. See DTE Guidelines at § 4.2.2.

B/C ratios in the pre-implementation phase would increase the likelihood that the Department could determine that the Compact's "energy efficiency programs were implemented in a cost-effective manner" when the Department reviews and approves energy efficiency expenditures in the post-implementation phase. G.L. c. 25, § 19; G.L. c. 25A, § 11G; DTE Guidelines at § 4.2.2.

## 2. Funding for Low-Income Programs

In this section, the Department determines whether the Compact's Plan provides funding for energy efficiency services for low-income ratepayers at the levels required by G.L. c. 25, § 19, and DOER Guidelines at 2, 8-9.

### a. The Compact's Position

The Compact asserted that its low-income program funding complies with G.L. c. 25, § 19 (Plan at 11). Under § 19, low-income programs must receive at least 20 percent of the residential energy efficiency budget, and in no event less than the amount funded by a charge of \$0.00025/KWH (*id.*). According to the Compact, its budgeted amount of \$531,386 in 2003 exceeds these funding requirements (*id.*).<sup>11</sup>

The Compact stated that its 2003-2007 low-income programs are continuations of the single- and multi-family housing, new construction, and rehabilitation programs currently being offered (*id.* at 38, 40, and 42). According to the Compact, these programs will be

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<sup>11</sup> The Compact stated that the \$531,386 amount represents the 2003 low-income program budget before adding in adjustments such as prior-year carryovers (Plan at 11).

coordinated with the Low-income Energy Affordability Network and delivered through the local weatherization agencies on Cape Cod and Martha's Vineyard (id. at 37-38).

The Compact estimated that its low-income residential programs will save 300-500 MWH of energy annually over the five-year program period, reaching a cumulative level of 1,988 MWH in 2007 (id. at 16). With respect to capacity, the Compact projected that its low-income residential programs will save about 40 KW annually, reaching a cumulative level of 198 KW in 2007 (id. at 16).

b. Analysis and Finding

Based on the evidence provided by the Compact and the DOER Report, the Department finds that the Plan is consistent with the threshold goal of providing funding for energy efficiency services for low-income ratepayers at the levels required by G.L. c. 25, § 19.

D. Consistency with Priority-Setting Goals

In this section, the Department determines whether the Compact's Plan is consistent with the seven priority-setting goals for an energy efficiency plan as described in § II above.

1. The Compact's Position

The Compact asserted that its Plan is consistent with the priority-setting goals (Plan at 60). In support of that assertion, the Compact provided evidence concerning each priority-setting goal (id. at 60-62).

With respect to the goal requiring equitable allocation, the Compact presented evidence that its Plan: (1) offers energy efficiency services to all customer classes; (2) allocates funds to customer classes based on the funds derived from each customer class; and (3) allocates funds

in accord with the contributions derived from each town (id. at 60). The Compact stated that, should significant geographic inequities arise, it would take steps to improve such inequities through targeted marketing activities (id.).

With respect to the goal requiring adequate support for capturing lost opportunities, the Compact stated that its Plan captures lost opportunities through (1) new construction programs, and (2) programs aimed at purchases of new equipment (id.). The Compact stated that new construction programs are particularly effective because installing energy efficiency measures during construction is much less costly than a retrofit (id.).

With respect to the goal requiring due emphasis to statewide and regional market transformation, the Compact stated that (1) it intends to participate in the relevant statewide and regional market transformation initiatives, such as the Northeast Energy Efficiency Partnership and Energy Star® initiatives, and (2) its new construction programs are specifically designed to help transform the residential and C/I new construction industries (id. at 61). The Compact stated that it works with home builders, architects, and trades to promote efficient practices over the long-term (id.).

With respect to the goal requiring competitive procurement practices, the Compact stated that, because of its own small internal staff, the vast majority of program activities will be conducted by contractors (id.). Each of the contractors selected by the Compact will be chosen by competitive bidding which will be open to all qualified bidders (id.).

With respect to the goal requiring facilitation of the development of a competitive market for energy efficiency, the Compact stated that it will rely entirely on competitive

energy service companies to deliver its energy efficiency programs (id.). Because the Plan will increase the activities of these companies, the competitive market for energy efficiency will be facilitated (id.).

With respect to the goal requiring balancing short- and long-run savings from energy efficiency programs, the Compact stated that the primary purpose of this goal is to ensure an appropriate balance between market-transformation programs that might have small short-run savings and more conventional programs that are designed to save energy immediately (id.). The Compact stated that its programs achieve this balance (id.).

With respect to the goal requiring optimization of the cost-effectiveness of energy efficiency programs, the Compact stated that the primary purpose of this goal is to encourage the design of highly cost-effective programs (id.). In addition, the Compact stated that this goal is meant to encourage a balance between cost-effectiveness and the other priority-setting goals, i.e., this goal encourages program administrators to optimize cost-effectiveness, but not necessarily to maximize it (id.). The Compact stated that the programs in its Plan achieve this goal (id.).

## 2. Analysis and Findings

Based on our review of the evidence provided by the Compact, the DOER Report, and other comments, the Department finds that the Plan is consistent with the priority-setting goals for an energy efficiency plan. However, the Department disagrees with the Compact's assertion concerning the seventh priority-setting goal, i.e., that this goal encourages cost-effectiveness to be optimized but not necessarily maximized. When approving energy



efficiency programs, the Department must “ensure that they are delivered in a cost-effective manner.” G.L. c. 25, § 19. The Department recognizes that in the hierarchy of DOER’s energy efficiency goals, cost-effectiveness is presented as a *threshold* goal. Accordingly, it has been accorded a high degree of importance by the Commonwealth. A diminution of cost-effectiveness in the priority-setting stage would therefore be incompatible with DOER’s requirement of consistency set forth in the threshold stage, and the Department’s duty to ensure cost-effective programs. Id.

#### V. SUMMARY OF FINDINGS

In its review of the Plan, the Department has found that: (1) under the current circumstances, the Compact has met the requirement that it is “establishing” a load aggregation program; (2) the Plan is consistent with the overall statewide energy efficiency goal that energy efficiency activities should protect the environment and strengthen the economy by increasing the efficiency of energy use; (3) with the exception of the program for New Construction Demo which is rejected in Section IV(C)(1)(b) above, the energy efficiency programs in the Plan are estimated to be cost-effective; (4) the Plan is consistent with the threshold goal to provide funding for energy efficiency services for low-income ratepayers at the levels specified in G.L. c. 25, § 19; and (5) the Plan is consistent with the priority-setting goals for an energy efficiency plan.

VI. ORDER

Accordingly, after due notice, hearing, and consideration, it is:

CERTIFIED: That the Compact's energy efficiency plan, with the exception of the New Construction Demo Program, is consistent with the state energy efficiency goals; and it is

ORDERED: That the New Construction Demo Program as presented by the Cape Light Compact in its energy efficiency program for calendar years 2003 through 2007 be and is hereby DENIED; and it is

ORDERED: That, with the exception of the New Construction Demo Program, the Petition of the Cape Light Compact for approval of its energy efficiency program for calendar years 2003 through 2007 be and is hereby APPROVED; and it is

FURTHER ORDERED: That the Compact provide the Department each year with information showing that it is substantially implementing its Plan, consistent with G.L. c. 164, § 134(b) and pursuant to the Department's Guidelines for the Methods and Procedures for the Evaluation and Approval of Energy Efficiency Programs, D.T.E. 98-100, § 4.3 (1999).

FURTHER ORDERED: That the Cape Light Compact follow all other directives contained in this Order.

By Order of the Department,

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Paul G. Afonso, Chairman

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James Connelly, Commissioner

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W. Robert Keating, Commissioner

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Eugene J. Sullivan, Jr., Commissioner

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Deirdre K. Manning, Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).